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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,728	02/07/2002	Chester L. Schuler	IMM043E	2651
60140 7590 02/06/2008 IMMERSION -THELEN REID BROWN RAYSMAN & STEINER LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640				
			EXAMINER KUMAR, SRILAKSHMI K	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/072,728	Applicant(s) SCHULER ET AL.	
	Examiner Srilakshmi K. Kumar	Art Unit 2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 19-25 and 27-33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The proposed amendments to the claims of deleting "moveable member" and adding limitation of "user interface" changes the scope of the claim by broadening the claims, therefore, would require further search and consideration..

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues on page 6 of the response where the previous office action was prematurely made final because the rejection of claim 20 had been changed without any amendments to the claim. Examiner, respectfully, disagrees. The rejection to claim 20 was not changed, but actually explanation of the rejection was made for clarity. Therefore, the rejection was properly made final. In regards to the IDS, applicant states where the NPL documents were provided in the parent application, therefore do not have to be resubmitted. The examiner is in the process of retrieving the parent applications with the NPL documents, therefore a separate miscellaneous communication considering the IDS will be mailed to the applicant. With respect applicant's arguments in regards to applicant's arguments of where in the previous office action it is asserted that McIntosh doesn't teach wherein the haptic feedback including a modulating force simulating a plurality of electronically defined stop positions, and then asserted that McIntosh does teach this feature, examiner, respectfully, disagrees. McIntosh teaches in col. 2, lines 49-54, col. 3, lines 1-30 where "the motion of (the) motor, is determined by either operator controlled movements of the control motor or preprogrammed motion instructions" i.e. a force profile. More specifically, he teaches "the manipulator motor is driven to its desired position as determined by the control motor, or in some cases, preprogrammed instructions" and "that the system provides a readily programmable degree of coupling between the two motors" in column 3, lines 1-30, which corresponds to the limitation of the local controller being configured to send a control signal to the actuator, the control signal being based on data values associated with a host software application of the host computer. What McIntosh fails to teach is the limitation of including a modulating force simulating a plurality of electronically defined stop positions. In order to remedy McIntosh's deficiency, applicant's admitted prior art (AAPA) teaches on page 2, line 17-page 3, line 5 teach where it is well known in the art where haptic feedback devices have control wheel that exhibit tactile responsiveness, such as detents or clicks as they are rotated, wherein each click is a modulating force simulating a plurality of electronically defined stop positions such that clicks are felt based on electrical input and electrical contacts, such that each click corresponds to one frame. Further, the haptic feedback device with its mechanical components, must have electrical signal generation, thus teaching electronically defined stop positions. With respect to applicant's arguments where the prior art of McIntosh does not teach torque data and force profiles, this is shown in col. 2, lines 49-54. Further applicant on page 10 of the response states that McIntosh is relevant to these features. With respect to dependent claim 20, applicant argues that the use of two motors for a first and second actuator is an inaccurate interpretation of McIntosh. Examiner, respectfully, disagrees. McIntosh teaches using two motors in order to provide haptic feedback. Further, applicant cites col. 5, line 24, however line 24 doesn't state where the second actuator is just load, and doesn't have haptic feedback. Thus the rejection is maintained.